

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, June 9, 2011
Regular Meeting – 4:00 p.m.

EARL MCDANIEL
Chairperson

CHARLES UNSWORTH
Vice Chairperson

FRED AMERI
BARRY EATON
ROBERT HAWKINS
BRADLEY HILLGREN
MICHAEL TOERGE

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

JAMES CAMPBELL, Principal Planner

LEONIE MULVIHILL, Assistant City Attorney

PATRICK ALFORD, Planning Manager

TONY BRINE, City Traffic Engineer

GREGG RAMIREZ, Senior Planner

ROSALINH M. UNG, Associate Planner

ERIN STEFFEN, Planning Technician

FERN NUENO, Assistant Planner

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, June 9, 2011
REGULAR MEETING
4:00 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- E. REQUEST FOR CONTINUANCES**
- F. CONSENT ITEMS**

ITEM NO. 1 Minutes of May 19, 2011

ACTION: Approve and file.

- G. PUBLIC HEARING ITEMS**

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 Pemstein Residence Minor Use Permit and Variance (PA2010-173)
2430 Holiday Road

SUMMARY: A minor use permit to allow for the retention of an as-built second dwelling unit to be converted to a senior accessory dwelling (granny) unit and a related variance to allow for the construction of a garage addition to encroach 2 feet into the required 10-foot easterly side setback.

The application also includes ten (10) other variance requests to allow for the retention of the following as-built structures:

- An 8-foot high arbor with a footprint of 48 square feet that encroaches 13 feet into the 15-foot front setback, where the Zoning Code limits the height of such structures to 9 feet and a maximum footprint of 16 square feet.
- An 8-foot high arbor with a footprint of 48 square feet that encroaches 10 feet into the westerly 10-foot side setback, where the Zoning Code limits the height of such structures to 9 feet and a maximum footprint of 16 square feet.

- An 8-foot high arbor with a footprint of 48 square feet that encroaches 10 feet into the 10-foot rear setback, where the Zoning Code limits the height of such structures to 9 feet and a maximum footprint of 16 square feet.
- An 8-foot high arbor with a footprint of 48 square feet that encroaches 10 feet into the easterly 10-foot side setback, where the Zoning Code limits the height of such structures to 9 feet and a maximum footprint of 16 square feet.
- A 55-inch high brick wall that encroaches 5 feet into 15-foot front setback, where the Zoning Code limits the height of such structures to 42 inches.
- An 8-foot high wall that encroaches 10 feet into the westerly 10-foot side setback, where the Zoning Code limits the height of such structures to 6 feet.
- An 8-foot high wall that encroaches 10 feet into the 10-foot rear setback, where the Zoning Code limits the height of such structures to 6 feet.
- An 8-foot high wall that encroaches 10 feet into the easterly 10-foot side setback, where the Zoning Code limits the height of such structures to 6 feet.
- An 8-foot-3-inch high fireplace that encroaches 8 feet into the westerly 10-foot side setback, where the Zoning Code limits the height of such structures to 6 feet.
- A 129-square-foot (footprint of 148 square feet under roof), 11-foot-4-inch high storage building that encroaches 5 feet into both the 10-foot easterly side setback and 10-foot rear setback, where the Zoning Code limits the height of such structures to 6 feet.

The application also indicates the existence of an 8-foot high arbor with a footprint of 48 square feet that encroaches into the required front and easterly side setback, where the Zoning Code limits the height of such structures to 9 feet and a maximum footprint of 16 square feet. The applicant has indicated that this arbor will be removed. Therefore, it is not included in the variance request.

**CEQA
COMPLIANCE:**

The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures). The scope of the work is limited to a garage addition and conversion and alterations of an existing structure to accommodate a granny unit. Also, included in the request is to retain several accessory structures including arbors, walls, a fireplace, and storage building.

ACTION:

- 1) Conduct public hearing; and
- 2) Adopt a resolution approving Minor Use Permit No. UP2010-040 for the granny unit and denying Variance No. VA2011-005 for the construction or retention of all setback encroachments.

ITEM NO. 3

Dry Dock Restaurant (PA2011-005)
2601 West Coast Highway

SUMMARY:

A conditional use permit application for a food service restaurant with late hours, live entertainment, alcohol sales, outdoor dining, and delivery. The application also includes a request for a parking management plan to address off-site parking, valet, and an adjustment to the off-street parking requirements. The proposed hours of operation for dining and delivery are 11:00 a.m. to 2:00 a.m., daily.

CEQA

COMPLIANCE: The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities), which exempts minor alterations to existing facilities. The existing building will remain with no additional square footage. The scope of the physical construction is limited to minor alterations. The building was previously used as an eating and drinking establishment and any changes in operational characteristics are negligible.

ACTION: 1) Conduct public hearing; and
2) Adopt a resolution approving Conditional Use Permit No. UP2011-001.

ITEM NO. 4 Newport Beach Country Club – Golf Realty Fund (PA2005-140)
1600 & 1602 E. Coast Highway

SUMMARY: Staff recommends that this item be continued to August 4, 2011, due to the change in the Planning Commission membership.

ITEM NO. 5 Newport Beach Country Club – International Bay Clubs, Inc. (PA2008-152)
1600 E. Coast Highway

SUMMARY: Staff recommends that this item be continued to August 4, 2011, due to the change in the Planning Commission membership.

H. NEW BUSINESS**I. STAFF AND COMMISSIONER ITEMS**

ITEM NO. 6 Planning Director's report.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 8 Request for excused absences.

ADJOURNMENT